

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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	:	
In re:	:	Case No. 13-11482 (MFW)
	:	
EXIDE TECHNOLOGIES,	:	
	:	
Reorganized Debtor. <sup>1</sup>	:	
	:	
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**NOTICE OF CONSTITUTIONAL CHALLENGE TO FEDERAL STATUTE**

TO: The Honorable William P. Barr  
Attorney General of the United States

PLEASE TAKE NOTICE THAT, Exide Technologies (“Exide” or the “Reorganized Debtor”), by its undersigned counsel, has filed in the United States Bankruptcy Court for the District of Delaware in the above-captioned chapter 11 case that certain *Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* and that certain *Memorandum of Law in Support of the Reorganized Debtor’s Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees Payable Pursuant to 28 U.S.C. § 1930(a)(6)* (collectively, the “Motion”).

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Federal Rule of Civil Procedure 5.1(a)(2), made applicable to this contested matter by Federal Rule of Bankruptcy Procedure 9005.1, the Motion draws into question the constitutionality of section 1004 of the Bankruptcy Judgeship Act of 2017, Pub. L. No. 115-72, § 1004, 131 Stat. 1224, 1232 (October 26, 2017), which amended 28 U.S.C. § 1930(a)(6) (the “Amendment”). Exide asserts that the increase in

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<sup>1</sup> The last four digits of the Reorganized Debtor’s taxpayer identification number are 2730. The Reorganized Debtor’s corporate headquarters are located at 13000 Deerfield Parkway, Building 200, Milton, Georgia 30004.

quarterly United States Trustee fees imposed by the Amendment is unconstitutional both facially and as applied to Exide.

Wilmington, Delaware

FOX ROTHSCHILD LLP

June 12, 2019

/s/ Allen J. Guon

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- and -

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*Special Conflicts Counsel for the Reorganized Debtor*